

REMARKS / ARGUMENTS

The action by the Examiner in this application, together with the references cited, have been given careful consideration. Following such consideration, claims 1, 9, 11 and 19 have been amended to define more clearly the patentable invention Applicants believe is disclosed herein. Claims 2 and 10 have been canceled, and claims 3-8, 12-18 and 20-25 remain unchanged. Applicants acknowledge the Examiner's indication that claims 23-25 are allowed. It is respectfully requested that the Examiner reconsider the claims in their present form, together with the following comments, and allow the application.

As the Examiner well knows, the present invention relates to a water filtration system for use in a reprocessor having a circulation system that circulates a liquid sterilant or microbial deactivation fluid through a chamber that forms a part of the circulation system. The water filtration system includes a fluid feed line that is connectable to a source of pressurized water. First and second filter elements are disposed within the fluid feed line for filtering fluids flowing therethrough. The second filter element is downstream from the first filter element and has a capacity to filter particles smaller than the first filter element. A bypass line is connected to the fluid feed line to define a fluid path that bypasses the first and second filter elements. According to the present invention, the water filtration system is connected to the fluid circulation system of the reprocessor such that all water entering the reprocessor first passes through the fluid feed line and through the filter elements, and a portion of all fluids circulated through the circulation system of the reprocessor passes through the fluid feed line and filter elements.

The foregoing arrangement insures that all water entering the reprocessor is filtered by the filter elements to establish the desired level of filtering. Still further, by passing a portion of all fluids circulated through the circulation system through the feed line and filter elements, the

filter elements are exposed to the liquid sterilant or microbial deactivation fluid such that the upstream side of the filter elements are exposed to a fluid that will deactivate any microbial contaminants captured by the filter elements. This prevents a build-up of microbial contaminants on the upstream side of the filter, or the growth of any such decontaminant on the filter element.

In accordance with another aspect of the present invention, means are provided for determining the integrity of the filter elements. In this respect, the water filtration system includes means for isolating each filter element from each other, means for pressurizing the upstream side of each of the isolated filter elements, and means for determining the integrity of each filter based upon the pressure drop across the filter elements over time. A leak orifice is associated with each filter element and is isolated with each filter element. The pressure test utilizes the leak orifice in conjunction with loss through the filter to determine the integrity of the filter.

It is respectfully submitted that none of the cited references, alone or together, teaches, suggests or shows the water filtration as claimed.

In response to the Examiner's rejections, claims 1, 9 and 19 have been amended to indicate that the water filtration system includes a bypass line that is connected to the fluid feed line of the filtration system to define a fluid path that bypasses the first and second filter elements. The claims have further been amended to indicate that the water filtration system is connected to the fluid circulation system of the reprocessor wherein all water entering the reprocessor first passes through said fluid feed line and said filter elements, and a portion of all fluids circulated through the circulation system passes through the fluid feed line and the filter elements. Applicants respectfully submit that none of the cited references, alone or together, teaches, suggests or shows a water filtration system or reprocessor as currently claimed.

The claims stand rejected under 35 U.S.C. Section 103(a) as being unpatentable under 35 U.S.C. Section 103(a) primarily in view of U.S. Patent No. 4,617,065 to Sundheimer and U.S. Patent No. 4,431,545 to Pall et al.

It is respectfully submitted that the ‘065 patent to Sundheimer does not teach, suggest or show a reprocessor or water filtration system as presently claimed. The Sundheimer ‘065 patent discloses a method for liquid disinfecting and sterilization including a filter assembly within a bypass line. The system shown discloses a filtration system for “selectively sterilizing the fluid prior to introduction into the inner vessel 22.” (See column 4, lines 44-45 of the ‘065 patent). In this respect, the disclosed system does not teach, suggest or show a water filtration system connected to a circulation system wherein “all water entering said reprocessor first passes through said fluid feed line and said filter elements.” Moreover, it does not teach, suggest or show a bypass line connected to the fluid feed line containing the filters wherein the bypass line bypasses the filter elements. In the system disclosed in the ‘065 patent, a bypass of the filters would exist only if the rest of the reprocessor is considered the “bypass.” In this scenario, the “water filtration system” would not be connected to the fluid circulation system such that “all fluid circulated through said circulation system passes through said fluid feed line and said filter elements.”

It is respectfully submitted that the claims in their present form define a water filtration system and reprocessor that is distinguishable from the system shown in the ‘065 patent to Sundheimer. A reading of the ‘065 patent teaches selective use of the filter elements in the Sundheimer system, primarily for filtering rinse water after a sterilization cycle. Accordingly, the disclosed system does not filter all water entering the reprocessor and does not include an arrangement wherein a portion of all fluids passing through the circulation system including a

Application No. 10/633,343
Amendment dated April 7, 2005
RESPONSE TO OFFICE ACTION dated January 7, 2005

liquid sterilant or microbial deactivation fluid, passes through the filter elements during the operation of the circulation system.

Applicants respectfully submit that since the Sundheimer '065 patent does not teach, suggest or show the basic structure set forth in the claims as currently amended, and the teachings of the '545 patent to Pall et al., Japanese Ref. No. JP11-128158 to Nakanishi et al., and European Ref. No. EP 0 945 140 do not teach the deficiencies noted above, the claims in their present form are allowable.

For the foregoing reasons, Applicants respectfully submit that the claims in their present form are distinguishable from the cited references, and favorable action is therefore respectfully requested.

Respectfully submitted,



Mark Kusner, Reg. No. 31,115

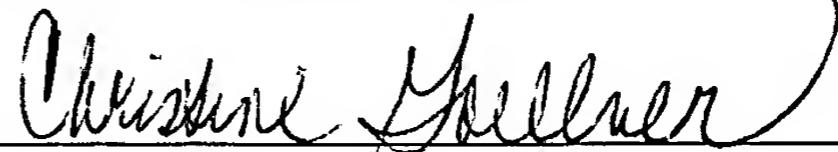
Date: April 7, 2005

KUSNER & JAFFE
Highland Place – Suite 310
6151 Wilson Mills Road
Highland Heights, Ohio 44143
(440) 684-1090 (phone)
(440) 684-1095 (fax)

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being deposited on the below date with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: April 7, 2005



Christine Goellner

Christine Goellner